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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Hector F. SUSMAN Confirmation No.: 7066
Application No.: 10/716,898 Group Art Unit: 3672
Filing Date: November 18, 2003 Examiner: F. Tsay
For: DOWNHOLE TOOL Attorney Docket No.: 85170-5000

REQUEST TO WITHDRAW HOLDING OF ABANDONMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Abandonment (copy enclosed) mailed January 31, 2005 which states that Applicant failed to file a proper reply to the Office Action mailed August 4, 2004, the undersigned requests the withdrawal of the holding of abandonment for the following reasons:

1. A response was mailed to the U.S. Patent Office on January 21, 2005 by express mail no. EV 346812471 US (copy enclosed).
2. A petition for a five-month extension of time was mailed to the U.S. Patent Office on January 21, 2005 by express mail no. EV 346812471 US (copy enclosed).
3. On January 28, 2005, the U.S. Patent Office deducted \$2,160.00 from the undersigned's deposit account no. 50-1814 (copy of deposit account statement enclosed) for the extension of time fee.
4. A postcard was included with the response and extension of time which the U.S. Patent Office date stamped with the date of January 21, 2005 and returned to the undersigned (copy enclosed).

In view of the above, the undersigned respectfully requests that the Notice of Abandonment mailed January 31, 2005 be withdrawn.

Respectfully submitted,

17 March 2005
Date

Scott H. Blackman
Scott H. Blackman (Reg. No. 34,088)

WINSTON & STRAWN LLP
Customer No. 28765

202-371-5904



Express Mail No. EV 346 812 471 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: H. SUSMAN

Confirmation No. 7066

Application No.: 10/716,898

Group Art Unit: 3672

Filing Date: November 18, 2003

Examiner: F. Tsay

For: DOWNHOLE TOOL

Atty. Docket No.: 85170-5000

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In the office action dated August 4, 2004, a restriction requirement under 35 U.S.C. 121 was issued, which required an election between the following species: Species 1 of Figures 4A-4D; Species 2 of Figure 8; Species 3 of Figures 9-15; and Species 4 of Figures 16-18. In response, applicant hereby elects Species I for prosecution at this time and notes that claims 1-22, 25-23, 34-37 and 41-63 read on the elected species.

Applicant understands that the restriction of species is for the purpose of facilitating the Examiner's search. Thus, if a generic claim 1 is allowed, then any dependent claim that is consistent with the generic claim 1 will also be allowed.

A petition for an extension of time is enclosed.

Date: _____

1/21/05

Respectfully submitted,


Allan A. Fanucci (Reg. No. 30,256)

WINSTON & STRAWN
CUSTOMER NO. 28765
(212) 294-3311



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: H. SUSMAN

Confirmation No. 7066

Application No.: 10/716,898

Group Art Unit: 3672

Filing Date: November 18, 2003

Examiner: F. Tsay

For: DOWNHOLE TOOL

Atty. Docket No.: 85170-5000

PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136(a)

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

It is respectfully requested that the time for responding to the Office Action mailed August 4, 2004 be extended for a period of five (5) months, from September 4, 2004, the date now set, to and including February 4, 2005.

The fee for this extension is estimated to be \$ 2,160. Please charge the required fee to Winston & Strawn Deposit Account No. 50-1814.

Respectfully submitted,

Date: _____

11/21/05

A handwritten signature in cursive script, appearing to read "Allan A. Fanucci".

Allan A. Fanucci

30,256
Reg. No.

WINSTON & STRAWN
Customer Number 28765
(212) 294-3311

NY:925270.1

Express Mail No. EV 346 812 471 US

Dated Mailed: January 21, 2005

U.S. Patent Application of H. SUSMAN

Application Serial No. 10/716,898

Filed: November 18, 2003

For DOWNHOLE TOOL

**Petition For Extension of Time (in duplicate)
Response to Restriction**

File No. 85170-5000 Sender: AAF/dk

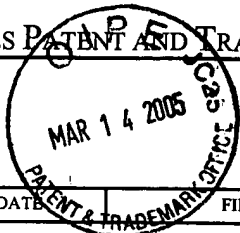


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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov



APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,898	11/18/2003	Hector Fillipus Alexander Van Drentham Susman	85170-5000	7066

28765 7590 01/31/2005

WINSTON & STRAWN
PATENT DEPARTMENT
1400 L STREET, N.W.
WASHINGTON, DC 20005-3502

EXAMINER

TSAY, FRANK

ART UNIT	PAPER NUMBER
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3672

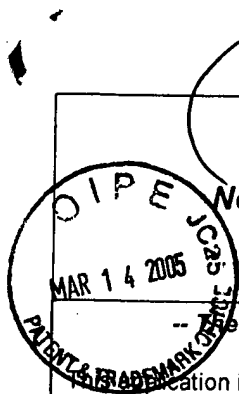
DATE MAILED: 01/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED

FEB 02 2005

WINSTON & STRAWN
DOCKETING DEPT. (D.C.)



Notice of Abandonment

Application No.

10/716,898

Applicant(s)

SUSMAN, HECTOR FILLIPUS
ALEXANDER VAN D

Examiner

Frank S Tsay

Art Unit

3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

Application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 04 August 2004.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

RECEIVED

FEB 02 2005

**WINSTON & STRAWN
DOCKETING DEPT. (D.C.)**

Frank S Tsay
Primary Examiner
Art Unit: 3672

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



**United States
Patent and
Trademark Office**

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Deposit Account Statement

Requested Statement Month:

January 2005

Deposit Account Number:

501814

Name:

WINSTON & STRAWN

Attention:

JOHN SPANO

Address:

200 PARK AVENUE

City:

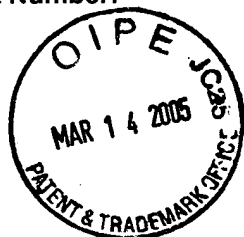
NEW YORK

State:

NY

Zip:

10166



DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
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01/26 440	PCT/US05/01257	7634-4101	8007	\$20.00	\$15,120.75
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01/27 28	11038820	81455-15740	1111	\$500.00	\$14,120.75
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01/28 1	10347465	88265-6157	1814	\$130.00	\$13,390.75
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01/28 308	09908216	88265-6522	8001	\$9.00	\$9,081.75
01/31 1	09593603	251-1562	1251	\$120.00	\$8,961.75
01/31 7	E-REPLENISHMENT		9203	-\$15,939.00	\$24,900.75
01/31 67	11041070	85189-8400	2011	\$150.00	\$24,750.75
01/31 68	11041070	85189-8400	2111	\$250.00	\$24,500.75
01/31 69	11041070	85189-8400	2311	\$100.00	\$24,400.75
01/31 70	11041070	85189-8400	2201	\$200.00	\$24,200.75
01/31 71	11041070	85189-8400	2202	\$100.00	\$24,100.75
01/31 563	60631676	81394-1988	8021	\$40.00	\$24,060.75

START
BALANCE
\$19,275.25

SUM OF
CHARGES
\$52,377.00

SUM OF
REPLENISH
\$57,162.50

END
BALANCE
\$24,060.75

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